

From: [Keneally, Kathy](#)
To: [Smith, Corey \(TAX\)](#); [Varnado, Jason S.](#); [Loonam, James P.](#)
Cc: [Magnani, Christopher \(TAX\)](#); [Langston, Lee F. \(TAX\)](#)
Subject: RE: U.S. v. Brockman 4:21cr009
Date: Tuesday, March 30, 2021 3:21:42 PM

Corey,

1. We are happy to confirm our agreement that the parties will exchange witness lists 30 days prior to trial. At this point, however, we would prefer not to complicate the current motion with new provisions.
2. We cannot agree to this provision. My recollection is consistent with yours that we discussed this issue prior to the submission of the scheduling order to the Court. We need flexibility to address the government's expert reports before designating our experts. Also there is no reason that I can see to set a deadline for Mr. Brockman to be examined by any experts that we choose.

We are essentially ready to file and want to get this to the Court today if possible, and so we look forward to hearing from you soon concerning the current proposed dates.

Best,
Kathy

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Kathy

We are still waiting to hear from our experts about their availability during May to complete their examinations in the new timetable.

In the meantime, we have two suggestions for the new proposed scheduling Order that we believe we add some clarity:

- 1) We previously agreed to exchange witness lists and discovery one month prior to the hearing, in the new schedule, on July 16th. We think it would be helpful to include this deadline in the Proposed Order; and
- 2) We previously discussed that if Mr. Brockman's counsel plans on calling an expert witness at the competency hearing, other than the doctors already identified, that under Rule 12.2(b) that timely notice would be given to the government. We would like to suggest May 31st for that notice deadline, i.e: notifying the govt of the expert witness you intend to call as a witness at the trial: having that witness's examination of Mr. Brockman complete by May 31st; and providing the govt a written report on the same schedule that the govt will provide its experts' reports, June 21st.

We think that clarifying these matters in the Proposed Order will avoid confusion as we move forward.

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